

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

ELMORE COOK, JR.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CV 04-J-1168-S
	)	
BESSEMER CITY POLICE	)	
DEPARTMENT,	)	
SERGEANT ROBERTA CLEVELAND,	)	
BESSEMER JEFFERSON COUNTY	)	
JAIL,	)	
and THE JEFFERSON HEALTH	)	
SYSTEM,	)	
	)	
Defendants.	)	

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on October 8, 2005, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b). The plaintiff filed objections to the report and recommendation and an amended complaint.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the court is of the opinion that the magistrate judge's report is due to be and is hereby

**VACATED.** In his objections, the plaintiff seeks to name additional defendants and clarify his original complaint. Accordingly, the plaintiff's claims require further review and are referred to the magistrate judge for further proceedings.

**DATED** this 28<sup>th</sup> day of February, 2005.

A handwritten signature in black ink, reading "Inge Prytz Johnson", is positioned above a horizontal line.

INGE PRYTZ JOHNSON  
U.S. DISTRICT JUDGE